DISTURBING RELIGIOUS ASSEMBLAGE—ELEMENTS OF OFFENCE.—When only persons outside a house of worship and not participating in the exercises are disturbed, and if at the time they are not part of the assemblage, a conviction is not warranted under section 4654, Georgia Crim. Code. Whether these persons constituted at the time of the alleged disturbance a part of the assemblage is a question of fact for the jury. But a mere temporary withdrawal from the house by one or more of the congregation for personal comfort, with the intention of returning, does not constitute them not a part of the assemblage. A meeting of persons solely for the purpose of instruction in the singing of religious songs does not constitute an assemblage met for the purpose of religious worship. *Adair* v. *State* (Ala.), 32 South. 326.

CARRIERS—ELEVATORS—NEGLIGENCE.—Where a passenger was injured by the too hasty starting of defendant's elevator, and without contributory negligence on her part, defendant's negligence will be presumed. *Bullock* v. *Butler Exchange Co.* (R. I.), 52 Atl. 122. This view was taken partly because of a statute requiring passenger elevators to have appliances to prevent them from starting while their doors are open, but also in the light of the doctrine of *Scott* v. *Docks Co.*, 3 Hurl. & C. 596: "Where the thing is shown to be under the management of the defendant or his servants, and the accident is such as, in the ordinary course of things, does not happen if those who have the management use proper care, it affords reasonable evidence, in the absence of explanation by the defendant, that the accident arose from want of care."

DEEDS—DELIVERY.—So long as a deed is within the control of the grantor there is no delivery. Where a grantor, after the execution and acknowledgment of a deed, placed it in a satchel and placed the satchel in a closet, from which it was not taken until after his death, there was no delivery. And this is not affected by the fact that the grantee, after the grantor's death, obtained possession of the deed, placed it on record and mortgaged the property to a *bona fide* holder. The mortgage is not a valid lien or incumbrance. *Cameron* v. *Gray* (Pa.) 52 Atl. 132. Citing, as to delivery, *Cook* v. *Brown*, 34 N. H. 460; *Critchfield* v. *Critchfield*, 24 Pa, 100; *Dayton* v. *Newman*, 19 Pa. 194; *Duraind's Appeal*, 116 Pa. 93; *Benedict* v. *Benedict*, 187 Pa. 351. As to invalidity of mortgage, *Van Amringe* v. *Morton*, 4 Whart. 381, 34 Am. Dec. 577; *Reck* v. *Clapp*, 98 Pa. 581.

MALICIOUS PROSECUTION OF CIVIL ACTION, WITHOUT ARREST.—A prosecution, maliciously and without probable cause, of a civil action, in which there has been no restraint of the person or seizure of property, is held in *McCormick Harvesting Mach. Co.* v. *Willan* (Neb.), 56 L. R. A. 338, to entitle the defendant therein to damages.

The rule of the English courts is that no action will lie for the malicious prosecution of a civil suit, unless there be an arrest of the person or seizure of the property of the defendant in the original action. Professor Minor adopts this view, without noticing the authorities to the contrary. 4 Minor's Inst. (3d ed.) 482–487. The weight of authority in America is, however, to the contrary,